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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2011-266*

13 **MAUREEN ANN BISCHEL**  
1556 W. Herndon, Apt. 105  
14 Fresno, CA 93711  
Registered Nurse License No. 519783  
Public Health Nurse Certificate No. 55725

**ACCUSATION**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about February 26, 1996, the Board issued Registered Nurse License Number  
24 519783 to Maureen Ann Bischel ("Respondent"). The registered nurse license was in full force  
25 and effect at all times relevant to the charges brought herein and will expire on April 30, 2011,  
26 unless renewed.

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1           **Public Health Nurse Certificate**

2           3.     On or about June 10, 1996, the Board issued Public Health Nurse Certificate Number  
3     55725 to Respondent. The public health nurse certificate was in full force and effect at all times  
4     relevant to the charges brought herein and will expire on April 30, 2011, unless renewed.

5                           **STATUTORY PROVISIONS**

6           4.     Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
7     part, that the Board may discipline any licensee, including a licensee holding a temporary or an  
8     inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of  
9     the Nursing Practice Act.

10          5.     Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
11     deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
12     to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
13     (b), the Board may renew an expired license at any time within eight years after the expiration.

14          6.     Code section 2761 states, in pertinent part:

15                   The board may take disciplinary action against a certified or licensed  
16     nurse or deny an application for a certificate or license for any of the following:

17                   (a) Unprofessional conduct....,

18          7.     Code section 2762 states, in pertinent part:

19                   In addition to other acts constituting unprofessional conduct within the  
20     meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a  
21     person licensed under this chapter to do any of the following:

22                   (a) Obtain or possess in violation of law, or prescribe, or except as  
23     directed by a licensed physician and surgeon, dentist, or podiatrist administer to  
24     himself or herself, or furnish or administer to another, any controlled substance as  
25     defined in Division 10 (commencing with Section 11000) of the Health and Safety  
26     Code or any dangerous drug or dangerous device as defined in Section 4022.

27                   (e) Falsify, or make grossly incorrect, grossly inconsistent, or  
28     unintelligible entries in any hospital, patient, or other record pertaining to the  
   substances described in subdivision (a) of this section.

29          8.     Code section 4060 states, in pertinent part:

30                   No person shall possess any controlled substance, except that furnished to  
31     a person upon the prescription of a physician, dentist, podiatrist, or veterinarian.

1 9. Health and Safety Code section 11173, subdivision (a) states:

2 No person shall obtain or attempt to obtain controlled substances, or  
3 procure or attempt to procure the administration of or prescription for controlled  
4 substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by  
5 concealment of a material fact.

#### 6 COST RECOVERY

7 10. Code section 125.3 provides, in pertinent part, that the Board may request the  
8 administrative law judge to direct a licensee found to have committed a violation or violations of  
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
10 enforcement of the case.

#### 11 11. **CONTROLLED SUBSTANCES**

12 "Dilaudid" is a trade name for hydromorphone, a Schedule II controlled substance  
13 pursuant to Health and Safety Code section 11055, subdivision (b)(1)(K), and a dangerous drug  
14 pursuant to Code section 4022, in that under federal and state law it requires a prescription.

15 "Morphine" is a Schedule II controlled substance pursuant to Health and Safety Code  
16 section 11055, subdivision (b)(1)(M), and a dangerous drug pursuant to Code section 4022, in  
17 that under federal and state law it requires a prescription.

#### 18 FIRST CAUSE FOR DISCIPLINE

##### 19 **(Obtain and Possess Controlled Substances in Violation of Law; Self-Administration)**

20 12. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on  
21 the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (a), in that  
22 between March 10, 2006, and August 28, 2006, while on duty as a registered nurse at Kaweah  
23 Delta Hospital, Visalia, California, Respondent committed the following acts:

24 a. Respondent obtained the controlled substances Dilaudid and Morphine by fraud,  
25 deceit, misrepresentation, or subterfuge by taking the drugs from hospital supplies for her own  
26 use in violation of Health and Safety Code section 11173, subdivision (a).

27 b. Respondent possessed the controlled substances Dilaudid and Morphine without  
28 lawful authority in violation of Code section 4022.

c. Respondent self-administered the controlled substances Dilaudid and Morphine.

**SECOND CAUSE FOR DISCIPLINE**

**(Falsify, or Make Grossly Incorrect Entries in Patient/Hospital Records)**

13. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (e), in that while on duty at Kaweah Delta Hospital, Visalia, California, Respondent falsified, made grossly incorrect, grossly inconsistent, or unintelligible entries in the following patient/hospital records:

**Patient A**

a. On April 24, 2006, at 0419 hours, Respondent withdrew 10 mg of Morphine from the Pyxis system for this patient; however, Respondent failed to document the administration of any portion of the Morphine in the patient's medication administration record or otherwise account for the disposition of the 10 mg of Morphine in any hospital record.

**Patient B**

b. On June 14, 2006, at 0436 hours, Respondent withdrew 2 mg of Dilaudid from the Pyxis system for this patient; however, Respondent failed to document the administration of any portion of the Dilaudid in the patient's medication administration record or otherwise account for the disposition of the 2 mg of Dilaudid in any hospital record.

**Patient C**

c. On July 10, 2006, at 2008 hours, Respondent withdrew 2 mg of Dilaudid from the Pyxis system for this patient; however, Respondent failed to document the administration of any portion of the Dilaudid in the patient's medication administration record or otherwise account for the disposition of the 2 mg of Dilaudid in any hospital record.

**Patient D**

d. On June 24, 2006, at 0403 hours, Respondent withdrew 2 mg of Dilaudid from the Pyxis system for this patient; however, Respondent failed to document the administration of any portion of the Dilaudid in the patient's medication administration record or otherwise account for the disposition of the 2 mg of Dilaudid in any hospital record.

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**Patient E**

e. On August 12, 2006, at 0358 hours, Respondent withdrew 2 mg of Dilaudid from the Pyxis system for this patient; however, Respondent failed to document the administration of any portion of the Dilaudid in the patient's medication administration record or otherwise account for the disposition of the 2 mg of Dilaudid in any hospital record.

**Patient F**

f. On July 25, 2006, at 0344 hours, Respondent withdrew 2 mg of Dilaudid from the Pyxis system for this patient; however, Respondent failed to document the administration of any portion of the Dilaudid in the patient's medication administration record or otherwise account for the disposition of the 2 mg of Dilaudid in any hospital record.

**Patient G**

g. On July 15, 2006, at 2328 hours, Respondent withdrew 2 mg of Dilaudid from the Pyxis system for this patient. Respondent charted the administration of 1 mg of Dilaudid in the patient's medication administration record at 2323 hours; however, Respondent failed to document the administration of the remaining 1 mg of Dilaudid in the patient's medication administration record or otherwise account for the disposition of the remaining 1 mg of Dilaudid in any hospital record.

h. On July 16, 2006, at 0003 hours, Respondent withdrew 2 mg of Dilaudid from the Pyxis system for this patient; however, Respondent failed to document the administration of any portion of the Dilaudid in the patient's medication administration record or otherwise account for the disposition of the 2 mg of Dilaudid in any hospital record.

**Patient H**

i. On July 15, 2006, at 0403 hours, Respondent withdrew 2 mg of Dilaudid from the Pyxis system for this patient; however, Respondent failed to document the administration of any portion of the Dilaudid in the patient's medication administration record or otherwise account for the disposition of the 2 mg of Dilaudid in any hospital record.

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1           **Patient I**

2           j.     On July 15, 2006, at 0325 hours, Respondent withdrew 2 mg of Dilaudid from the  
3     Pyxis system for this patient when there was no longer a physician order. Respondent failed to  
4     document the wastage of the Dilaudid in the patient's medication administration record or  
5     otherwise account for the disposition of the 2 mg of Dilaudid in any hospital record.

6           **Patient J**

7           k.     On July 10, 2006, at 2233 hours, Respondent withdrew 2 mg of Dilaudid from the  
8     Pyxis system for this patient when there was no physician's order. Respondent failed to  
9     document the wasting the Dilaudid or otherwise account for the disposition of the 2 mg of  
10    Dilaudid in any hospital record.

11          **Patient K**

12          l.     On August 28, 2006, at 0403 hours, Respondent withdrew 2 mg of Dilaudid from the  
13    Pyxis system for this patient; however, the patient had been discharged at 0247 hours.  
14    Respondent failed to document wasting the Dilaudid in the patient's medication administration  
15    record or otherwise account for the disposition of the 2 mg of Dilaudid in any hospital record.

16          **Patient L**

17          m.     On March 10, 2006, at 0310 hours, Respondent withdrew 10 mg of Morphine from  
18    the Pyxis system for this patient; however, the patient had been discharged at 0122 hours.  
19    Respondent failed to document wasting the Morphine in the patient's medication administration  
20    record or otherwise account for the disposition of the 10 mg of Morphine in any hospital record.

21          **Patient M**

22          n.     On March 27, 2006, at 0551 hours, Respondent withdrew 2 mg of Dilaudid from the  
23    Pyxis system for this patient when there was no physician's order. Respondent failed to  
24    document the wastage of the 2 mg of Dilaudid or otherwise account for the disposition of the 2  
25    mg of Dilaudid in any hospital record.

26          **Patient N**

27          o.     On March 19, 2006, at 0339 hours, Respondent withdrew 2 mg of Dilaudid from the  
28    Pyxis system for this patient; however, Respondent failed to document the administration of any

1 portion of the Dilaudid in the patient's medication administration record or otherwise account for  
2 the disposition of the 2 mg of Dilaudid in any hospital record.

3 **Patient O**

4 p. On April 23, 2006, at 0133 hours, Respondent withdrew 2 mg of Dilaudid from the  
5 Pyxis system for this patient; however, Respondent failed to document the administration of any  
6 portion of the Dilaudid in the patient's medication administration record or otherwise account for  
7 the disposition of the 2 mg of Dilaudid in any hospital record.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 519783, issued to  
12 Maureen Ann Bischel

13 2. Revoking or suspending Public Health Nurse Certificate Number 55725, issued to  
14 Maureen Ann Bischel

15 3. Ordering Maureen Ann Bischel to pay the Board of Registered Nursing the  
16 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
17 Professions Code section 125.3; and,

18 4. Taking such other and further action as deemed necessary and proper.  
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21 DATED: 9/28/10

*for* *Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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